

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Jamie Grubbs,)	
)	Civil Action No.: 1:19-cv-02229-JMC
Plaintiff,)	
)	
v.)	ORDER
)	
)	
Wal-Mart Stores, Inc., Wal-Mart Stores)	
East, LP, and Wal-Mart Stores East, Inc.,)	
)	
Defendants.)	
)	

I. BACKGROUND

This matter is before the court on Defendant Wal-Mart Stores, Inc., Wal-Mart Stores East, LP, and Wal-Mart Stores East, Inc.’s (collectively, “Wal-Mart Defendants”) Motion to Dismiss (ECF No. 8). Wal-Mart Defendants filed the present Motion to Dismiss on September 9, 2019. (ECF No. 8.) On September 17, 2019, Plaintiff Jamie Grubbs (“Plaintiff”) filed an Amended Complaint. (ECF No. 10.)

II. DISCUSSION

A timely filed amended pleading supersedes the original pleading. *Young v. City of Mount Ranier*, 238 F.3d 567, 573 (4th Cir. 2001) (As a general rule, “an amended pleading ordinarily supersedes the original and renders it of no legal effect.” (quoting *Crysen/Montenay Energy Co. v. Shell Oil Co.* (*In re Crysen/Montenay Energy Co.*), 226 F.3d 160, 162 (2d Cir. 2000))); see also 6 Charles Alan Wright et al., Federal Practice and Procedure § 1476 (3d ed. 2011) (“A pleading that has been amended...supersedes the pleading it modifies...Once an amended pleading is interposed, the original pleading no longer performs any function in the case...”). As a result, motions directed at the superseded pleading generally are to be denied as moot. See, e.g., *Hall v.*

Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011) (citing *Colin v. Marconi Commerce Sys. Emps. Ret. Plan*, 335 F.Supp.2d 590, 614 (M.D.N.C.2004); *Turner v. Knight*, 192 F.Supp.2d 391, 397 (D. Md. 2002)) (denying as moot the defendant' motions to dismiss because the second amended complaint rendered moot the defendants' pending motions to dismiss, which were related to the superseded complaint); *McCoy v. City of Columbia*, 2010 WL 3447476, at *1–2 (D.S.C. Aug. 31, 2010) (adopting the magistrate judge's report and recommendation to the extent it recommended that the motion to dismiss be found as moot because the amended complaint superseded the original complaint and rendered any attack upon it moot).

Here, Plaintiff filed an Amended Complaint and Walmart Defendants filed a separate and timely Motion to Dismiss (ECF No. 14), which addresses the Amended Complaint. Because the original Complaint (ECF No. 1) was superseded by Plaintiff's Amended Complaint (ECF No. 10), the court **DENIES** as **MOOT** Wal-Mart Defendants' Motion to Dismiss (ECF No. 8), which was directed at the original Complaint.

III. CONCLUSION

Based upon the foregoing, the court **DENIES** Wal-Mart Defendants' Motion to Dismiss (ECF No. 8) as **MOOT**.

IT IS SO ORDERED.



United States District Judge

May 28, 2020
Columbia, South Carolina